

1 MICHAEL CLOUGH State Bar No. 235410
2 Law Offices of Michael Clough
3 6114 LaSalle Ave #833
4 Oakland, CA 94611
5 Telephone: (650) 274-7764
6 Facsimile: (888) 285-4128
7 cloughlawoffices@gmail.com

8 Co-counsel for Defendant

9
10 **UNITED STATES DISTRICT COURT**
11
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 UNITED STATES OF AMERICA,) Case No.: No: CR-08-00420-PJH-1
14 Plaintiff,)
15 vs.) STIPULATION/ APPLICATION AND
16) ORDER MODIFYING CONDITIONS
17) OF RELEASE
18 RUSSELL A. LYLES, JR.,)
19 Defendant.)
20

21 **OVERVIEW**

22 On May 5, 2010, this Court ordered Defendant Lyles released subject to
23 conditions that included home detention and electronic monitoring.

24 On July 14, 2010, Lyles entered into a plea agreement. Under the terms of
25 the plea agreement, the charges that potentially could have led to the imposition of
26 mandatory minimum sentences are to be dismissed. In addition, the parties agreed
27 to an offense level (13) that, if accepted by the court, would make it unlikely that
28 Lyles will be sentenced to a term longer than the time he has already served in
custody.

In light of his plea agreement, Lyles respectfully requests that court amend his release order to delete the home detention and electronic monitoring conditions.

The pretrial services officer responsible for monitoring Lyles supports this request.

Assistant United States Attorney Derek Owens does not oppose this request.

In the event that this order is granted, Defendant intends to withdraw his pending motion to change the conditions of his release and submit an amended motion concerning the non-association condition, which will not be affected by an order granting this unopposed motion

DATED: July 27, 2010

Respectfully Submitted,

/s/ Michael Clough
MICHAEL CLOUGH
COUNSEL FOR DEFENDANT

/s/ Derek Owens
DEREK OWENS
ASSISTANT U.S. ATTORNEY

ORDER

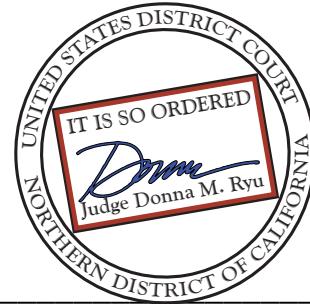
Pursuant to Title 18 United States Code § 3142, the defendant's conditions of release are modified as follows:

The previously ordered home detention and electronic monitoring conditions are deleted.

In all other respects the May 5, 2010 Order Setting Conditions of Release remains in full force and effect.

IT IS SO ORDERED.

DATED: 7/28/10



DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE

MICHAEL CLOUGH State Bar No. 235410
Law Offices of Michael Clough
6114 LaSalle Ave #833
Oakland, CA 94611
Telephone: (650) 274-7764
Facsimile: (888) 285-4128
cloughlawoffices@gmail.com
Co-counsel for Defendant

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,) Case No.: No: CR-08-00420-PJH-1
Plaintiff,)
vs.) STIPULATION/ APPLICATION AND
RUSSELL A. LYLES, JR.,) (PROPOSED) ORDER MODIFYING
Defendant.) CONDITIONS OF RELEASE

PROPOSED ORDER

Pursuant to Title 18 United States Code § 3142, the defendant's conditions of release are modified as follows:

The previously ordered home detention and electronic monitoring conditions are deleted.

In all other respects the May 5, 2010 Order Setting Conditions of Release remains in full force and effect.

IT IS SO ORDERED

DATED:

DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE